



**Conservation**

Climate Change and Environmental Protection Division  
Environmental Assessment and Licensing Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
T 204 945-7100 F 204 945-5229  
[www.gov.mb.ca/conservation/eal](http://www.gov.mb.ca/conservation/eal)

**FAXED**

**CLIENT FILE NO.: 5371.00**

Mr. Shawn Bergen  
CWS Logistics Ltd.  
Unit 10-75 Scurfield Blvd.  
Winnipeg MB R3Y 1P6

June 18, 2010

Dear Mr. Bergen:

**Re: Notice of Alteration – CWS Logistics Limited**

Enclosed is the revised **Environment Act Licence No. 2862 R** dated June 18, 2010 issued in accordance with *The Environment Act* to CWS Logistics Limited located at Unit C, 1500 Clarence Avenue on SP Lot 6 Plan 23076 WLTO in RL 23 and 29 to 33 Parish of St. Vital, in the City of Winnipeg.

The Environment Act Licence No. 2862 was amended based on the Notice of Alteration filed on May 10, 2010 from Chris Erickson to update the Licence reflecting construction of the site retention area in compliance with Clause 8 of Environment Act Licence No. 2862 R and for the installation of a gate valve for the storm sewer to control surface water run-off within the site retention area.

Amendments to Environment Act Licence No. 2862 Clause 14 are reflected in the revised Environment Act Licence No. 2862 R Clauses 10 and 11. The intent of these clauses is to ensure that the run off in the site retention area is controlled (including potential spills or firewater) and to reduce any potential for contaminated discharges into the storm sewer. All discharges must be reported, any discharges that have potential to be hazardous to the environment because of spills in the site retention area will require prior approval.

Environment Act Licence 2862 is hereby rescinded. Notification and any required approvals to discharge run-off into the storm sewer can be made by telephone call, e-mail fax or other arrangements with the Environment Officer in charge, Ms. Krystal Penner (945-2819) or if further information is required.

Yours truly,

Tracey Braun, M. Sc.  
Director  
Environment Act

Enc.

c: Don Labossiere, Director, Environmental Operations  
Randy Webber, Regional Supervisor, Environmental Operations  
Public Registries

**NOTE:** Confirmation of Receipt of this Licence No. 2862 R (by the Licencee only) is required by the Director of Environmental Assessment and Licensing. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by July 6, 2010.

\_\_\_\_\_  
On behalf of CWS Logistics Ltd.

\_\_\_\_\_  
Date

**\*\*\* A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES \*\*\***

# LICENCE

Licence No. / Licence n°	<u>2862 R</u>
Issue Date / Date de délivrance	<u>December 22, 2008</u>
Revised :	<u>June 18, 2010</u>

In accordance with The Environment Act (C.C.S.M. c. E125) /  
Conformément à la Loi sur l'environnement (C.P.L.M. c. E125)

Pursuant to Section / Conformément au Paragraphe

**THIS LICENCE IS ISSUED TO : / CETTE LICENCE EST DONNÉE À :**

**CWS LOGISTICS LTD. – CITY OF WINNIPEG; "the Licencee"**

for the construction, installation and operation of the Development being a crop protection products warehouse and distribution facilities located at Unit C, 1500 Clarence Avenue, on SP Lot 6 Plan 23076 WLTO in RL 23 and 29 to 33 Parish of St. Vital, in the City of Winnipeg, and in accordance with the Proposal filed under The Environment Act on November 4, 2008, and additional information dated May 10, 2010, and subject to the following specifications, limits, terms and conditions:

## DEFINITIONS

In this Licence,

**"accredited laboratory"** means an analytical facility accredited by the Standard Council of Canada (SCC), or accredited by another accrediting agency recognized by Manitoba Conservation to be equivalent to the SCC, or be able to demonstrate, upon request, that it has the quality assurance/quality control (QA/QC) procedures in place equivalent to accreditation based on the international standard ISO/IEC 17025, or otherwise approved by the Director;

**"affected area"** means a geographical area excluding the property of the Development;

**"ambient concentration"** means the measurement of a substance contained in an air sample (corrected to a temperature of 25° C and to a pressure of 101.3 kilopascals) which has been collected from any point beyond the property line of the Development;

**"chemical"** includes, but is not limited to petroleum products, fertilizers and pesticides;

**"Director"** means an employee so designated pursuant to The Environment Act;

**"Environment Officer"** means an employee so designated pursuant to The Environment Act;

**\*\*A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES\*\***

**"noise nuisance"** means a continuous or repeated noise in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant, or disagreeable to a person:

- a) residing in an affected area;
- b) working in an affected area; or
- c) present at a location in an affected area which is normally open to the members of the public;

if the noise

- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director, and within a 90 day period, from 5 different persons falling within clauses a), b), or c), who do not live in the same household; or
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b) or c), and the Director is of the opinion that if the noise had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90-day period, from 5 different persons who do not live in the same household;

**"odour nuisance"** means a continuous or repeated odour, smell or aroma, in an affected area, which is offensive, obnoxious, troublesome, annoying, unpleasant, or disagreeable to a person:

- a) residing in an affected area;
- b) working in an affected area; or
- c) present at a location in an affected area which is normally open to the members of the public;

if the odour, smell or aroma

- d) is the subject of at least 5 written complaints, received by the Director in a form satisfactory to the Director, and within a 90 day period, from 5 different persons falling within clauses a), b), or c), who do not live in the same household; or
- e) is the subject of at least one written complaint, received by the Director in a form satisfactory to the Director, from a person falling within clauses a), b), or c), and the Director is of the opinion that if the unwanted odour, smell of aroma had occurred in a more densely populated area there would have been at least 5 written complaints received within a 90 day period from 5 different persons who do not live in the same household;

**"opacity"** means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background;

**"particulate matter"** means any finely divided liquid or solid matter other than water droplets;

**"particulate residue"** means that part or portion of an atmospheric emission which is deposited onto a surface;

**"pesticide storage structure(s)"** means any building(s) where agricultural crop protection products are stored for either commercial or retail purposes;

**"point source"** means any point of emission from a Development where pollutants are ducted into the atmosphere; and

**"sewage"** means household and commercial wastewater that contains human waste.

### **GENERAL TERMS AND CONDITIONS**

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. The Licencee shall meet or exceed the guidelines for Agrichemical Warehousing Standards Association (AWSA) certification.
2. The Licencee shall install and maintain, for all pesticide storage structure(s), an automatic system(s) for fire detection and security.
3. The Licencee shall, at all times during the operation of the Development, implement a high standard of equipment maintenance and operational practices.
4. The Licencee shall reduce the production and dissemination of wastes by initiating and maintaining waste reduction and waste recycling programs.
5. The Licencee shall obtain all necessary municipal, provincial and federal permits and approvals for construction of relevant components of the Development prior to commencement of construction.
6. The Licencee shall during construction or operation of the Development, report spills of fuels or other contaminants are reported to an Environment Officer in accordance with the requirements of *Manitoba Regulation 439/87* respecting *Environmental Accident Reporting*.
7. The Licencee shall, during construction and operation of the Development:
  - a) immediately report any reportable spills to Manitoba Conservation's Accident Reporting Line at (204) 944-4888; and
  - b) provide a follow-up report to the Director on a reportable environmental accident outlining the cause(s) and proposing corrective action to prevent reoccurrence.

### **SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS**

#### **Respecting Construction and Operation**

8. The Licencee shall protect the site retention area with a minimum of 45 centimetres of compacted clay material or other materials approved by the Director.
9. The Licencee shall inspect the surface of the site retention area semiannually for desiccation cracks, and maintain the site retention area's continuity.
10. The Licencee shall adequately dyke the Development and install a gate valve at the lowest elevation point that controls surface water run-off into the storm sewer. The gate valve shall remain in the closed position except for the supervised release of the accumulated fluids where there have been no documented spills (from the previous discharge to the current). Notification to Manitoba Conservation shall be provided when any release has occurred. In the event that a spill

has occurred in the site retention area the Licencee shall require prior authorization from the designated Regional Office of Manitoba Conservation in Winnipeg. If the accumulated liquid may be contaminated, it shall be sampled and tested by an accredited laboratory prior to requesting authorization for release.

11. The Licencee shall maintain a log of all spills that occur within the site retention area and/or the secondary containment area that documents at minimum the date, time, substances involved, estimated volumes involved and the containment and clean up actions taken. This incident log shall be updated within 24 hours of all incidents.
12. The Licencee shall construct and maintain concrete floors with a minimum 10 centimetres retention curbing around the perimeter of all chemical storage structure(s) to prevent spilled liquids from leaking into the soil.

### **Respecting Emissions**

13. The Licencee shall not emit particulate matter from the Development such that:
  - a) particulate matter:
    - i) exceeds 0.23 grams per dry standard cubic metre calculated at 25 degrees Celsius and 760 millimetres of mercury, corrected to 12 percent carbon dioxide from any point source of the Development;
    - ii) exhibits a visible plume with an opacity of greater than 5 percent at any point beyond the property line of the Development; or
    - iii) results in the deposition of visible particulate residue at any time beyond the property line of the Development; or
  - b) opacity from any point source of the Development equals or exceeds:
    - i) 20 percent as the average of any 24 consecutive opacity observations taken at 15 second intervals;
    - ii) 20 percent for more than 16 individual opacity observations within any 1 hour period; or
    - iii) 40 percent for any individual opacity observation.
14. The Licencee shall not cause or permit a noise nuisance to be created as a result of the operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate a noise nuisance.
15. The Licencee shall, upon the request of the Director and in addition to any of the limits, terms or conditions specified in this Licence:
  - a) sample, monitor, analyze and/or investigate specific areas of concern regarding any segment, component or aspect of pollutant storage, containment, treatment, handling, disposal or emission systems, for such pollutants or ambient quality, aquatic toxicity, leachate characteristics and discharge or emission rates, for such duration and at such frequencies as may be specified;
  - b) determine the environmental impact associated with the release of any pollutants from the said Development; or
  - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being

used, bioassay data, flow rate measurements and such other information as may from time to time be requested.

16. The Licencee shall, unless otherwise specified in this Licence:
  - a) carry out all preservations and analyses on liquid samples in accordance with the methods prescribed in the most current edition of Standard Methods for the Examination of Water and Wastewater or in accordance with equivalent preservation and analytical methodologies approved by the Director;
  - b) carry out all sampling of, and preservation and analyses on, soil and air samples in accordance with methodologies approved by the Director;
  - c) only utilize an accredited laboratory for analytical determinations; and
  - d) report the results to the Director within 60 days of the samples being taken, or within another timeframe as specified by the Director.
17. The Licencee shall submit a copy of the sampling report complete with analytical results as specified pursuant to Clauses 15 and 16 of this Licence, to the Director within 60 days of the completion of the sampling program.
18. The Licencee shall contain on the Development:
  - a) any on-site chemical spill;
  - b) waste water generated from any response action due to an on-site release of chemicals; and
  - c) contaminated water resulting from the extinguishing of any fire involving chemicals.
19. The Licencee shall clean up immediately any chemical spills in order to prevent soil, surface water or ground water contamination.
20. The Licencee, subject to obtaining approval from an Environment Officer, shall immediately dispose of any contaminated material in accordance with the approval.
21. The Licencee shall not direct any spillage, contaminated run-off or pollutant, other than sewage, to an approved sewage disposal system.

### **Respecting Pesticides**

22. The Licencee shall create and maintain a current duplicate inventory of all pesticides stored at the Development, with one copy stored at the premises of the Development, and the other copy stored at a location off-site from the Development.
23. The Licencee shall store only pesticides registered under the federal *Pest Control Products Act* at the Development.
24. The Licencee shall locate pesticide storage structure(s) a minimum distance of:
  - a) 100 metres from any property zoned residential; and
  - b) 100 metres from single residencesunless a written consent form is obtained from the owner(s).

**Respecting Emergency Response Planning**


25. The Licencee shall submit, within ninety (90) days of the issuance of this Licence, an emergency response contingency plan to be approved by the Director. This plan shall include, but not be limited to, items which will address: measures implemented for spill prevention and containment; security; personnel training; and fire and other response arrangements.

**Respecting Site Decommissioning**

26. The Licencee shall submit within one (1) year prior to closure of the facility, for the approval of the Director, a formal detailed Decommissioning Plan for the facility.
27. The Licencee shall implement, on closure of the facility, the approved Decommissioning Plan.

**REVIEW AND REVOCATION**

- A. This Licence replaces Environment Act Licence No. 2862 which is now hereby rescinded.
- B. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms, or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 10 of The Environment Act.

  
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Tracey Braun, M.Sc.  
Director  
Environment Act

**Client File No.: 5371.00**